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No. 2492

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

NOTIFICATION

No. LAW 47 LGN 75, dated the 13th August 1975.

Ordered that the Karnataka Rent Control (Amendment) Act, 1975, which received the assent of the Governor on the Twelfth day of August, 1975, be published as Karnataka Act No. 31 of 1975 in the **Karnataka Gazette** for general information.

KARNATAKA ACT No. 31 OF 1975

(First published in the **Karnataka Gazette** Extraordinary on the Eighteenth day of August, 1975)

THE KARNATAKA RENT CONTROL (AMENDMENT) ACT, 1975

(Received the assent of the Governor on the Twelfth day of August,1975)

An Act further to amend the Karnataka Rent Control Act, 1961.

Whereas it is expedient further to amend the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Karnataka Rent Control (Amendment) Act 1975.

(2) It shall be deemed to have come into force on the twenty-second day of May, 1975.

2. Amendment of section 3.—In section 3 of the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) (hereinafter referred to as the principal Act), for clause (d), the following clause shall be substituted, namely:—

" (d) 'court' means,—

(i) in respect of the area comprised within the City of Bangalore; and

(ii) in such other areas as the State Government may, in consultation with the High Court, by notification specify, the court of Civil Judge having territorial jurisdiction in such area;

(iii) in respect of areas other than those referred to in sub-clauses (i) and (ii), the court of Munsiff having territorial jurisdiction in such area."

3. Amendment of section 29.—In section 29 of the principal Act, in sub-section (1), for the portion beginning with the words " an appeal or revision petition " and ending with the words " an order passed by the District Judge on appeal as the case may be ", the words and figures "a revision pention under section 50 against an order made by the court on application under section 21 " shall be substituted.

4. Amendment of section 48.—In section 48 of the principal Act,

(i) sub-section (1) shall be omitted ;

(ii) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely :—

" (5) The Appellate Authority shall send for the records of the case from the Controller and after giving the parties an opportunity of being heard and if necessary after making such further enquiry as it thinks fit either itself or through the Controller shall decide the appeal.

(6) An order of the court of the Controller shall, subject to the decision of the District Judge or the High Court under section 50 or of the relevant appellate authority under this Act, be final and shall not be liable to be called in question in any court of law whether in a suit or other proceeding or by way of appeal or revision ".

5. Amendment of section 49.—In section 49 of the principal Act,—

(i) for the words " the court, the Controller or the District Judge ", in the two places where they occur, the words " the court or the Controller " shall be substituted ;

(ii) the Explanation shall be omitted.

6. Substitution of new section for section 50.—For section 50 of the principal Act, the following section shall be substituted, namely :—

" **50. Revision.**—(1) The High Court may, at any time call for and examine any order passed or proceeding taken by the court of Civil Judge under this Act or any

order passed by the Controller under section 14, 15, 16 or 17 for the purpose of satisfying itself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as it thinks fit.

(2) The District Judge may, at any time call for and examine any order passed or proceeding taken by the court of Munsiff referred to in sub-clause (iii) of clause (d) of section (3) for the purpose of satisfying himself as to the legality or correctness of such order or proceeding and may pass such order in reference thereto as he thinks fit. The order of the District Judge shall be final.

(3) The costs of and incidental to all proceedings before the High Court or the District Judge shall be in the discretion of the High Court or the District Judge, as the case may be".

7. **Amendment of section 59.**—In section 59 of the principal Act, in clause (a) of sub-section (2), for the words " or other appellate authority ", the words " or an appellate authority " shall be substituted.

8. **Disposal of pending proceedings.**—(1) As from the date of coming into force of this Act or upon the issue of a notification under sub-clause (ii) of clause (d) of section 3 of the principal Act as amended by this Act, the court of Munsiff within the jurisdiction of the court of Civil Judge specified in sub-clause (i) or sub-clause (ii) as the case may be, of clause (d) of the said section 3 shall cease to have jurisdiction to try cases under the principal Act and all applications or proceedings pending in such court of Munsiff shall stand transferred to the court of such Civil Judge and shall be disposed of by the said court of Civil Judge as if they had been instituted or commenced before it.

(2) Notwithstanding the omission of section 48 of the principal Act, appeals pending on the date of commencement of this Act before a District Judge shall be heard and decided by the District Judge as if the said section had not

been omitted and the provisions of section 49 of the principal Act as it stood before the commencement of this Act shall apply to such appeals.

(3) Notwithstanding the substitution of new section for section 50 of the principal Act, revision petitions pending in the High Court on the date of commencement of this Act shall be heard and decided by the High Court as if the said section had not been substituted and the provisions of section 50 of the principal Act as it stood before the commencement of this Act shall apply to such petitions.

9. Provisions in respect of certain cases.—As from the date of commencement of this Act,—

(i) no appeal shall lie to the District Judge against an order or decree of any court or Controller made before the commencement of this Act under the principal Act; and

(ii) any person who but for the amendment of section 48 of the principal Act could have filed an appeal against such order or decree to the District Judge may within four months from the date of commencement of this Act prefer a petition—

(a) to the High Court against such order of the Controller under Section 14, 15, 16 or 17;

(b) to the District Judge against such order of the Court of Munsiff,

and the High Court or the District Judge shall dispose of such petition as if it is a revision petition under sub-section (1) or sub-section (2) of section 50 as the case may be, of the principal Act as amended by this Act.

10. Section 3 of the Karnataka Ordinance No. 3 of 1975 not to have effect.—Section 48 of the principal Act omitted by section 3 of the Karnataka Rent Control (Amendment) Ordinance, 1975 (Karnataka Ordinance No. 3 of 1975) shall be deemed never to have been omitted and the provisions of the said section shall, with effect from and on the commencement of this Act be deemed to continue to be in force subject to the modifications made by section 4 of this Act.

11. Repeal of Ordinance No. 3 of 1975.—The Karnataka Rent Control (Amendment) Ordinance, 1975 (Karnataka Ordinance No. 3 of 1975) is hereby repealed :

Provided that anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka

M. L. RAMASWAMI,

Draftsman and Ex-Officio,
Joint Secretary to Government,
Department of Law and Parly. Affairs.

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